



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Helmling et al.  
National Stage  
Appl. No.: 10/522,582  
Conf. No.: Not Yet Assigned  
Filing Date: 26 January 2005  
Title: GHRELIN BINDING NUCLEIC ACIDS  
Art Unit: Unassigned  
Examiner: Unassigned  
Docket No.: 116676-002

OCT 28 2005

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Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT**

Sir:

Applicants hereby request withdrawal of the Notice of Abandonment for the following reasons:

- (1) The instant national stage application was filed by the undersigned while at a prior firm.
- (2) Attached hereto is a copy of the transmittal letter filed 26 January 2005.
- (3) The undersigned relocated to his current firm, the Washington, DC office of Bell, Boyd & Lloyd LLC, on 28 January 2005.
- (4) My current firm has not received the Notice of Missing Requirements. A review of the docket which is maintained and controlled by the Chicago office of Bell, Boyd revealed that no Patent Office communications were received for the instant application since 28 January 2005.

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Legal Staff  
International Division

(5) My prior firm did not receive the Notice of Missing Requirements as all documents of transferred cases are mailed to Bell Boyd.

RELIEF REQUESTED

Applicants hereby request vacation of the Notice of Abandonment and reissuance of the Notice of Missing Requirements to the undersigned at the address noted herein below, Customer No. 29180, so that the filing fee can be paid. The undersigned is authorized to act on behalf of applicants and the Assignee of said applicants.

Respectfully submitted,

BELL BOYD & LLOYD LLC

By

  
Dean H. Nakamura

Reg. No. 33,981

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (202) 955-6851

Dated: 21 October 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OCT 24 2005  
PATENT & TRADEMARK OFFICE  
U.S. DEPARTMENT OF COMMERCE  
PTO-1390 (Rev. 07-2004)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

2502491-991150

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
(Unassigned – New Application)INTERNATIONAL APPLICATION NO.  
EP 03/08542INTERNATIONAL FILING DATE  
1 August 2003PRIORITY DATE CLAIMED  
1 August 2002

## TITLE OF INVENTION

GHRELIN BINDING NUCLEIC ACIDS

## APPLICANT(S) FOR DO/EO/US

HEMLING, Steffen; EULBERG, Dirk; MAASCH, Christian; KLUSSMANN, Sven

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4)
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 30 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20.  Other items or information:
  - a.  For purposes of examination, please insert the annexes to the IPER, so that the application will comprise the following pages of the English translation: Specification – Original Pages \_\_\_\_\_ ; Amended pages - \_\_\_\_\_ ; Claims – Original Claims - \_\_\_\_\_ ; and Amended Claims - \_\_\_\_\_

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This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>(Unassigned – New Application)</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP03/08542</b>	ATTORNEY'S DOCKET NUMBER <b>2502491-991150</b>	
a. <input checked="" type="checkbox"/> The following fees are submitted:		<b>CALCULATIONS</b>		<b>PTO USE ONLY</b>
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$100.00 <b>ENTER APPROPRIATE BASIC FEE AMOUNT = \$1,080.00</b>				
		\$1,080.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$130.00		
<b>CLAIMS</b> <b>NUMBER FILED</b> <b>NUMBER EXTRA</b> <b>RATE</b>				
Total claims	36 - 20 =	16	x \$18.00	\$288.00
Independent claims	5 - 3 =	2	x \$86.00	\$172.00
<b>MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</b>		+\$290.00		\$290.00
		<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$1,960.00</b>
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		+		\$
		<b>SUBTOTAL =</b>		<b>\$980.00</b>
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$		
		<b>TOTAL NATIONAL FEE =</b>		<b>\$980.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+		\$
		<b>TOTAL FEES ENCLOSED =</b>		<b>\$980.00</b>
		Amount to be refunded:		\$
		Amount to be charged:		\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Fees at this time are not to be paid. Applicant will pay upon receipt of Missing Requirements. c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1896</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.				
NOTE: Where an appropriate time limit under 37 CFR 1.494 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.				
SEND ALL CORRESPONDENCE TO:  GRAY CARY WARE & FREIDENRICH LLP 1625 Massachusetts Avenue, N.W. - Suite 300 Washington D.C. 20036 Phone No. 202-238-7700 Fax No. 202-238-7701				
SIGNATURE <u>DEAN H. NAKAMURA</u> NAME <u>33,981</u> REGISTRATION NUMBER				

OCT 24 2005

TRANSMITTAL LETTER  
(General - Patent Pending)

Docket No.  
116676-002

In Re Application Of: Helmling et al.

Application No. 10/522,582	Filing Date 26 January 2005	Examiner Unassigned	Customer No. 29180	Group Art Unit Unassigned	Confirmation No. Not Yet Assigned
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Title: GHRELIN BINDING NUCLEIC ACIDS

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

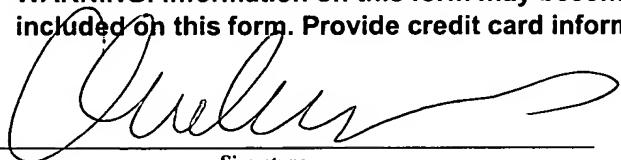
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in the above identified application.

- No additional fee is required.
- A check in the amount of \_\_\_\_\_ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 02-1818 as described below.
  - Charge the amount of \_\_\_\_\_
  - Credit any overpayment.
  - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



Signature

Dated: 20 October 2005

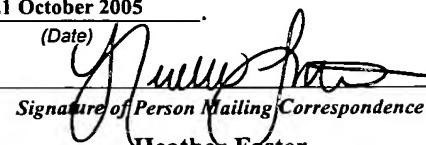
Dean H. Nakamura  
Reg. No. 33,981  
Bell, Boyd & Lloyd LLC  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
Phone: (202) 955-6851

CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

21 October 2005

(Date)



Signature of Person Mailing Correspondence

Heather Foster

Typed or Printed Name of Person Mailing Correspondence



TRANSMITTAL LETTER  
(General - Patent Pending)

OCT 24 2005

Docket No.  
116676-002

In Re Application Of: Helmling et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/522,582	26 January 2005	Unassigned	29180	Unassigned	Not Yet Assigned

Title: GHRELIN BINDING NUCLEIC ACIDS

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Dean H. Nakamura  
Reg. No. 33,981  
Bell, Boyd & Lloyd LLC  
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Chicago, Illinois 60690-1135  
Phone: (202) 955-6851

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 21 October 2005.

(Date)

*Signature of Person Mailing Correspondence*

Heather Foster

*Typed or Printed Name of Person Mailing Correspondence*

cc: